

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NATHAN LORING,

Petitioner,

v.

ALICE PAYNE,

Respondent.

) Case No. C05-1599-JLR-JPD

) SHOW CAUSE ORDER

Petitioner is an inmate at the McNeil Island Corrections Center in Steilacoom, Washington who has filed a *pro se* 28 U.S.C. § 2254 petition for writ of habeas corpus. Dkt. No. 4. By order dated March 24, 2006, this Court determined that the petition presented both exhausted and unexhausted claims. Dkt. No. 13. The Court therefore gave petitioner the option to (1) amend his petition to proceed only with his exhausted claims, (2) withdraw the entire petition and resubmit it upon exhausting his remaining claims, or (3) show good cause as to why the Court should stay the entire petition pending the exhaustion of his unexhausted claims. *Id.*


In response, petitioner moved the Court to stay and abey his petition, so that he could exhaust his unexhausted claims in state court. Dkt. No. 14. On May 15, 2006, the Court granted this request and ordered that petitioner's 28 U.S.C. § 2254 petition be held in abeyance, enabling petitioner to make every effort to properly exhaust his claims and/or verify that he was

SHOW CAUSE ORDER
PAGE -1

01 procedurally barred from doing so. Dkt. No. 17. Importantly, petitioner was ordered to advise
02 the Court of the status of his petition no later than August 18, 2006.

03 No status report was filed by petitioner. In fact, the Court has not heard from petitioner
04 since his May 2, 2006 motion for a stay and abeyance, and the Court has no independent
05 knowledge of the status of petitioner's state court proceedings. The Court therefore ORDERS
06 petitioner to SHOW CAUSE why this case should not be dismissed. Petitioner shall file his
07 response with the Court **no later than Monday, October 23, 2006.** The Clerk is directed to
08 send a copy of this order to the parties.

09 DATED this 21st day of September, 2006.

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11 JAMES P. DONOHUE
12 United States Magistrate Judge
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